

1 Branch of government and not to the General Assembly of
2 Maryland, so they have nicely handled that problem. In
3 order to see to it, however, that there should be some
4 kind of regulation with respect to the General Assembly of
5 Maryland, that subcommittee has very wisely suggested that
6 there be a new rule and that there be a joint committee of
7 ethics, and who shall be on this joint committee of ethics?
8 Why the members of the General Assembly, of course, and
9 who shall decide what is ethical and unethical? The members
10 of the General Assembly.

11 I submit to you this is not a very effective
12 method of policing conflict of interest. As a matter of
13 fact, this very approach was roundly criticized in an issue
14 of the Harvard Law Review where it was pointed out by the
15 author that just as criminal provisions to check the
16 legislature placed the initiative in the hands of the
17 executive and the remedy in those of the judiciary, the
18 implementing mechanism of the Code of Ethics should be
19 outside the legislature. This is precisely what the
20 Maryland legislature will not do if it follows the
21 recommendations of a special subcommittee.